Approved For Release 2001/08/20 : CIA-RDP75B00380R000500120005-3

H. R. 4938
[Erlenborn]

Purpose: Amends Freedom of Information Act to require disclosures to Congress unless executive privilege is invoked

Comment:

Adds a new section to Freedom of Information Act (Title 5 Sec. 552) to include requests by Congress for information. The only denial of information by the Executive would be on the claim of Executive Privilege which is defined as information containing "policy recommendations" which the President determines that if disclosed will seriously jeopardize national security and inhibit the furnishing of forthright advice.

Committees of Congress can only request information within their jurisdiction, but this limitation does not apply to the Comptroller General.

Requests from Congress must be met within 30 days unless the President invokes Executive Privilege in writing. The bill does not include an enforcement provision. Erlenborn, in his remarks when he introduced the bill (Record E 1119, 23 February 1973), stated that if officials do not comply they could be cited for contempt of Congress.

Problem:

Intelligence information, regardless of classification and sensitivity, would be subject to disclosure unless covered by the umbrella of protection of Executive Privilege or by the Director's statutory responsibility concerning sources and methods.

The bill is political and its chances of passage are not clear. Even if passed, there is a strong chance of veto. It is impolitic for CIA to be out in front in opposing the bill. We must, however, be assured that the Director's responsibility for protecting sources and methods is not impaired.

Status:

Hearings were completed on 5 April before the Subcommittee on Foreign Operations and Government Information of the House Government Operations Committee.

Approved For Release 2001/08/20 : CIA-RDP75B00380R000500120005-3